vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8574 OF 2004

The President/Secretary
Rashtra Bhasah Mahavidyalaya ... Petitioner

V/s.

Shri Phoolchand M. Ram & Ors. ... Respondents

Ms.Kumud A. Bhatia for Petitioner
Mr.Mihir Desai for Respondent No.1
Mr.Kazi, AGP, for Responent Nos.2 and 3

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 16, 2005**

P.C.:

. By consent of the Petitioner and Respondent No.1, the order of the School Tribunal is set aside. The Petitioner will reinstate Respondent No.1 w.e.f. 1.10.2005 on his original post of assistant teacher in Rashtra Bhasha Mahavidyalaya, Mumbai. The Petitioner-management agrees to grant him continuity of service. As regards backwages, Respondent No.1 agrees that he will not claim arrears of backwages from the management.

2. However, under the Government Resolution bearing No.SSN-2677-761-XXX-XXXVII dated 14.3.1978, which is taken on record and marked ‘X’ for identification, the

Government will be bound to make payment of wages. Admittedly, while the respondent was in service, the post has been kept vacant although it is a sanctioned post. The School has not claimed any grant for this post while the respondent was out of service. Accordingly, the government will make payment of the wages of Respondent No.1 in accordance with Government Resolution dated 14.3.1978 within a period of 12 weeks from today.

3. Writ Petition is disposed off accordingly.